

**IN THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA)
)
v.)
PAUL PORTER)

No. 08 CR 153
Hon. Joan B. Gottschall

MOTION FOR MODIFICATION OF CONDITIONS OF PRE-TRIAL RELEASE

Defendant PAUL PORTER, by the Federal Defender Program and its attorney, BETH W. GAUS, respectfully requests that the Court modify the conditions of Mr. Porter's pre-trial release to allow him to follow the continuative care plan recommended by the Gateway Foundation, which includes Mr. Porter participating in Mercy Hospital's Partial Hospitalization Program and residing with his third-party custodian. In support of this motion, Mr. Porter submits the following:

1. Mr. Porter has lived in the Chicago area for much of his life and has been here steadily for the past nine years. He has a dual diagnosis of mental illness and drug addiction, for which he is currently participating in treatment at the Gateway Foundation Inpatient Treatment Facility.

2. Mr. Porter is charged with one count of bank robbery. (See Indictment, Dkt. 16.)

After his arrest and detention at the MCC, this Court released Mr. Porter on bond to participate in treatment at the Gateway Foundation Inpatient Treatment Facility. (See Dkt. 27-29, 32.) Mr. Porter started treatment there on May 6, 2008.

3. As documented in the attached progress report from Ms. Jacqueline Seaton, the Clinical Supervisor of Gateway's L-Star Program, Mr. Porter has done very well in this program. (See Exhibit 1.) Mr. Porter has been participating in Gateway's L-Star Program, which is a Mental Illness and Substance Abuse (MISA) program that focuses on psycho-education and life-skills training for people like Mr. Porter who suffer from a dual diagnosis. (See id.) In her attached progress report, Ms. Seaton states that "Paul has made tremendous progress with

addressing issues of concern to him." (See id.) She also notes that "Paul has been very cooperative and compliant with Gateway Foundation's rules." (See id.) After having participated in this intensive inpatient program for more than 60 days, Mr. Porter "will successfully complete residential treatment" and will be discharged on Thursday, July 10, 2008. (See id.)

4. First Proposed Modification: At Gateway's suggestion, in order to continue his care and recovery following his discharge from Gateway, Mr. Porter interviewed for and was accepted into Mercy Hospital's Partial Hospitalization Program (located at 2525 S. Michigan Ave.), with Mr. Porter scheduled to begin treatment there on July 15, 2008. (See Exhibits 1, 2 (Continuum of Care Plan from Gateway).) This on-site, hospital-based treatment will include, among other features: individual behavioral therapy, psycho-social assessment, nursing care, group and individual psychotherapy, medication management and education, and relapse prevention. (See Exhibit 3 (brochure provided by Mercy Hospital).) It is expected that Mr. Porter will be at Mercy Hospital to receive this treatment 5 days per week, from 9am to 1:30 pm each day.

5. Second Proposed Modification: Gateway's recommended continuative care plan also includes having Mr. Porter transition to residing with his court-appointed third-party custodian, Ms. Ladelle Mitchell, at 1605 N. Long in Chicago. (See Exhibit 2.) Ms. Mitchell, who is the mother of Mr. Porter's child, is nearly forty years old and is a bus driver for the CTA. As reflected in the Pretrial Services Report, she has no criminal history. Mercy Hospital will pick up and drop off Mr. Porter every weekday from this residence, which also increases the time he will be under hospital supervision each day. (See Exhibit 1.) Ms. Mitchell's work schedule mirrors in large part the hospital program in which Mr. Porter will be participating: Ms. Mitchell works each weekday from 5 am to 3:30 pm. When Mr. Porter is not at the hospital in treatment, he can accompany Ms. Mitchell on her bus route, to ensure that he has round-the-clock supervision.

6. These proposed modifications have been recommended and are supported by the medical professionals from Gateway who are most familiar with Mr. Porter's case and condition. (See Exhibits 1 ("Writer recommends and supports Paul's transition to lower level of care."), 2.)

At the time of Mr. Porter's initial pre-trial release, inpatient residence at Gateway not only seemed like the least restrictive possible condition, but also made medical sense. After 60 days of intense medical treatment at Gateway and Mr. Porter's good behavior, Gateway is now recommending that it is appropriate for Mr. Porter to move to the next stage of care and recovery, such as that outlined herein.

7. These proposed modifications are also supported by Mr. Porter's Pretrial Services Senior Officer, Mr. Brian Kolbus, based on the continuative care recommendations made by Gateway. Mr. Kolbus has also requested that Mr. Porter sign releases so that Mr. Kolbus can monitor Mr. Porter's attendance and progress at Mercy, and that he submit to random, phased drug testing. Mr. Porter has no objection to these additional bond conditions.

8. Mr. Porter has not had any violations of his release conditions while he has been on pre-trial release. This suggests that he will not have any in the future either. Mr. Porter has complied with every condition of release and every request made of him. For example, this Court granted his request for a day pass from Gateway on Saturday, June 21, 2008 to visit his sick grandfather (*see* Dkt. 34), and Mr. Porter returned to Gateway as he was expected to do. Indeed, because Gateway is not a locked facility, Mr. Porter could have walked away from his inpatient treatment at Gateway at any time. Mr. Porter did not walk away. This demonstrates his commitment to not only his ongoing medical treatment but also his obligations to this Court.

9. Returning Mr. Porter to pretrial detention at the MCC would be counter-productive in this case. The pre-trial facilities do not provide adequate mental health and drug treatment to assist Mr. Porter in continuing his recovery and development of life-skills that he will need when he is eventually released from any sentence imposed in this case. As a side note, Mr. Porter also suffers from another medical condition that can best be treated outside of the MCC: in 1999, he was diagnosed with full-blown thyroid cancer, and the cancer has recurred multiple times since then. Most recently this year, Mr. Porter had another abnormal test that indicated that the cancer may be recurring again.

10. Undersigned counsel has not yet been able to reach the Assistant United States Attorney assigned to this case, Ms. Maureen Merin, but will attempt to confer with her before the hearing on this motion to determine whether the Government objects to the proposed modifications.

11. Mr. Porter sincerely wishes to take advantage of the treatment available to him before he enters the BOP system: "I am extremely grateful that I had the opportunity to come to Gateway Foundation. I have learned a great deal about my mental illness and substance abuse problem and I am looking forward to attending and participating in Mercy Hospital's PHP Program." (*See Exhibit 1.*)

Wherefore, Mr. Porter respectfully requests that this Court enter an order modifying his release conditions as outlined herein. (A proposed order will be submitted separately.)

Respectfully submitted,
FEDERAL DEFENDER PROGRAM
Terence F. MacCarthy
Executive Director

By: s/ Beth W. Gaus
Beth W. Gaus

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FEDERAL DEFENDER PROGRAM
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Suite 2800
Chicago, IL 60603
(312) 621-8342
beth_gaus@fd.org

CERTIFICATE OF SERVICE

The undersigned, Beth W. Gaus, an attorney with the Federal Defender Program hereby certifies that in accordance with FED.R.CRIM. P. 49, FED. R. CIV. P5, LR5.5, and the General Order on Electronic Case Filing (ECF), the following document(s):

MOTION FOR MODIFICATION OF CONDITIONS OF PRE-TRIAL RELEASE

was served pursuant to the district court's ECF system as to ECF filings, if any, and were sent by first-class mail/hand delivery on July 3, 2008, to counsel/parties that are non-ECF filers.

By: s/Beth W. Gaus
Beth W. Gaus
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UNITED STATES OF AMERICA,)
 Plaintiff,)
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) Hon. Joan B. Gottschall
PAUL PORTER,)
 Defendant.)

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EXHIBIT 1

EXHIBIT 2

EXHIBIT 3

EXHIBIT 1

brAcdsp



PROGRESS REPORT

Report Period: **June 30, 2008**RE: **Paul Porter**Admit Date: **05/06/2008**SS#: **330-60-1593**

Beth Gaus
Federal Defender Program Northern District of Illinois
55 E. Monroe Street Suite 2800
Chicago, IL 60603

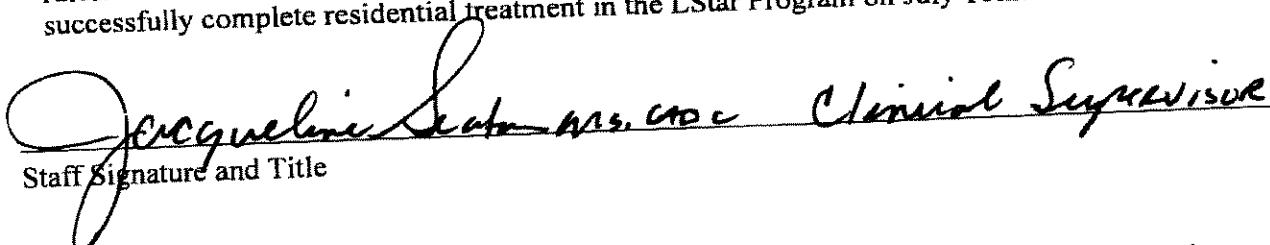
Progress for the period has been: **Satisfactory**Projected discharge date is **07/10/2008**.

In addition to the regular activities, the following additions have been made to the Treatment Plan:

Individual Counseling

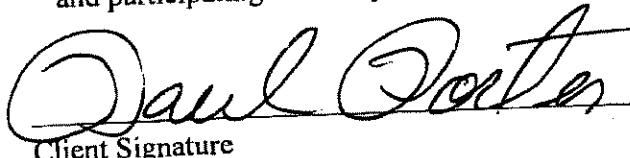
Comments:

Paul was admitted to the LSTAR Program on 5/6/08 MISA unit, which provides psycho education and skills training on co-occurring disorders and symptom management. Since entering Gateway Paul has made tremendous progress with addressing issues of concern to him. He continues to receive individual counseling twice a week with mental health specialist, processing and sharing issues of concern to him. Paul has been compliant with his psychotropic medications, but reportedly client still hears voices that are distressing to him. Paul is becoming increasingly more confident and more relaxed but anxiously optimistic about his future. Paul has been assessed for Mercy hospital's Partial Hospitalization Program and he is set to begin treatment on July 14th. Paul will transported to and from the program. Paul has been very cooperative and compliant with Gateway Foundation's rules. Writer recommends and supports Paul's transition to lower level of care. He will successfully complete residential treatment in the LStar Program on July 10th.


 Jacqueline Seaton, MS, CRC, Clinical Supervisor 7/2/08
D

Staff Signature and Title

Client Comments:
 I am extremely grateful that I had the opportunity to come to Gateway Foundation. I have learned a great deal about my mental illness and substance abuse problem and I am looking forward to attending and participating in Mercy Hospital's PHP Program.


 Paul Porter 7-ZC
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Client Signature

EXHIBIT 2

brAcdsp

CONTINUUM OF CARE PLAN: RELAPSE PREVENTION/SELF-DIRECTED RECOVERY

Name: Paul Porter

AREA	OBJECTIVE	AGENCY REFERRAL Address/Phone	CONTACT PERSON/DATE	FOLLOW UP
Substance Abuse Treatment	Professional counseling therapy	Mercy PHP Hosp. 2525 S. Michigan Av Chicago, IL 69616 4th Floor	Gloria Wittum psyche N 312-567-2448 DL 312-567-7600 main #	Tuesday July 15th at 9am. Paul be on time and take documentation.
Relapse Prevention/ 12 Step/ Support	Obtain sponsor and home group	Mercy PHP Hosp. 2525 S. Michigan Av Chicago, IL 69616 4th Floor	Number of meetings to be developed with PHP Staff.	G/W Saturday 7:30pm. Sunday 2pm New MISA Friday 6pm.
Mental Health	Medication management	Mercy PHP Hosp. 2525 S. Michigan Av Chicago, IL 69616 4th Floor	Gloria Wittum psyche N will assist.	Paul take a list-copy of your medications to show new doctor.
Medical	Maintain good physical health	Mercy PHP Hosp. 2525 S. Michigan Av Chicago, IL 69616 4th Floor	Gloria Wittum psyche N	Yearly physical or as needed.
Parenting Status	N/A			
Sexual Assault/ Abuse Domestic Violence	N/A			
Living Arrangements/ Housing	Safe and drug free environment-unite with significant other	Ladalle Mitchell 1605 N. Long # 2 Chicago, IL 60639	773-887-3378	Paul will provide own transportation at discharge. 07/10/08.
Job Skills/ Employment/ Education	N/A			
Legal	Meet requirements of the judicial system	US Pre-Trial Office 219 S. Dearborn St 15-100 Chicago, IL 60604	Brian Kolbus 312-435-5870 312-435-5545 faxed copy of this plan.	Court date 07/09/08 at 9am. G/W will transport client. Note: discharge 07/10/08.
Other	Federal D. Program	Federal D Program 55 E. Monroe St 2800 Chicago, IL 60603	Beth Gaus 312-621-8300 312-621-8399 faxed copy of this plan.	Court date 07/09/08. Note: discharge 07/10/08.

How to seek re-admission to treatment

773-826-1916 Gateway Foundation Westside Intake Department
3828 W. Taylor St Chicago, IL 60624

brAcdsp

Marty Kaprelian CRADC

Electronically signed.

Counselor, Martin Kaprelian, CRADC, 44980

06/30/2008 04:15:34 PM

Paul Porter

Electronically signed.

Client, PAUL PORTER

06/30/2008 04:15:56 PM

Jacqueline P Seaton ms. cdo *6/30/08*
Supervisor, Jacqueline P Seaton, MS CADC, 78460 Date

EXHIBIT 3

GIVING YOU THE HELP YOU NEED

FOR INFORMATION OR REFERRAL, CALL
312.567.7600

Behavioral Health Programs

MERCY HOSPITAL & MEDICAL CENTER



LIVING WELL IN THE CITY
MERCY HOSPITAL & MEDICAL CENTER
3000 North Michigan Avenue
Chicago, IL 60616

MERCY HOSPITAL & MEDICAL CENTER
2525 S. Michigan Avenue
Fourth Floor
Chicago, IL 60616
Behavioral Health Programs



MERCY HOSPITAL & MEDICAL CENTER

MERCY
HOSPITAL & MEDICAL CENTER

LIVING WELL IN THE CITY

PARTIAL HOSPITAL PROGRAM FOR
PSYCHIATRIC CARE

DUAL-DIAGNOSIS PROGRAM

ALCOHOL AND DRUG DEPENDENCY
PROGRAMS

An on-site, hospital based treatment program for people with mental illness and substance abuse problems, featuring:

- Individualized behavioral therapy
- Comprehensive psychosocial assessment
- Nursing care
- Occupational therapy
- Social work
- Case management
- Group and individual psychotherapy
- Medication management and education
- Leisure planning
- Emergency medical care
- Relapse prevention
- Lunch vouchers
- Transportation arrangements*

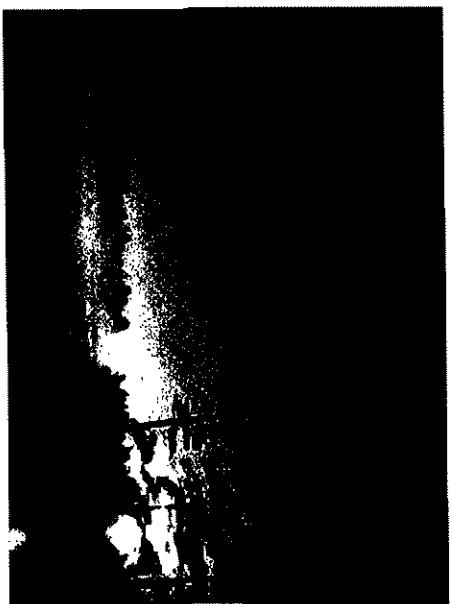
Intensive outpatient treatment program for people with substance abuse and chemical dependency problems, featuring:

- Biopsychosocial assessment
- Psychiatric care
- Medication management
- Individual and group psychotherapy
- Abstinence support
- Relapse prevention
- Recreation group
- Lunch vouchers
- Morning or evening groups
- Individual treatment plans
- Abstinence support
- Medically managed care
- Inpatient detoxification
- Case coordination
- Relapse prevention
- Aftercare groups
- Family therapy

Our programs support abstinence and behavioral change.

YOUR LIFE CAN BE BETTER!

YOU CAN FEEL GOOD ABOUT
WHO YOU ARE



RECOVERY IS POSSIBLE